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**JUL 12 2005**

**OFFICE OF PETITIONS**

In re Application of :  
Itai et al. : ON APPLICATION FOR  
Application No. 09/950,030 : PATENT TERM ADJUSTMENT  
Filed: September 10, 2001 :  
Atty Docket No. FP01-091US :  
:

This is in response to the "REQUEST FOR RECALCULATION OF PATENT TERM ADJUSTMENT," filed January 10, 2005. Applicants dispute a 453 day reduction.

The request is **DISMISSED**.

Applicants are advised that § 1.705(b) provides the avenue before the Office for requesting reconsideration of the patent term adjustment indicated in the notice of allowance. See § 1.702-1.705. Moreover, § 1.705(b) provides that:

An application for patent term adjustment under this section must be filed no later than the payment of the issue fee but may not be filed earlier than the date of mailing of the notice of allowance. An application for patent term adjustment under this section must be accompanied by:

- (1) The fee set forth in § 1.18(e) ...

The instant request was filed after the mailing of the notice of allowance and prior to payment of the issue fee. However, neither the fee under § 1.18(e) nor a general authorization to

charge any required fees, accompanied the request. Accordingly, the request is dismissed for failure to comply with the requirement of paragraph (b)(1) to submit the fee under \$1.18(e).

The Publishing Division has been advised of this decision and directed to go forward with processing of this application into a patent.

Telephone inquiries specific to this matter should be directed to Nancy Johnson, Senior Petitions Attorney, at (571) 272-3219.

A handwritten signature in black ink, appearing to read "Karin Ferriter". The signature is stylized with a large "K" and a cursive "Ferriter".

Karin Ferriter  
Senior Legal Advisor  
Office of Patent Legal Administration  
Office of Deputy Commissioner  
for Patent Examination Policy